



ORDINANCE NUMBER 2778

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW A RESIDENCE HOME FOR THE AGED – ASSISTED LIVING FACILITY, TO INCLUDE A SPECIAL CARE UNIT FOR PERSONS WITH MEMORY LOSS DISORDERS, ON AN APPROXIMATE 4-ACRE TRACT OF LAND GENERALLY KNOWN AS 13505 WEBB CHAPEL ROAD AND WITHIN THE OFFICE (O) ZONING DISTRICT; AMENDING ORDINANCE 2292; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131
Linked in Friendship with District of Bassetlaw, England, Garbsen and Schönebeck, Germany.
Internet URL...<http://www.ci.farmers-branch.tx.us>

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit to allow a Residence Home for the Aged – Assisted Living Facility, to include a Special Care Unit for persons with memory loss disorders, on an approximate 4-acre tract of land generally known as 13505 Webb Chapel Road and within the Office (O) zoning district (hereinafter the “Property”), as depicted in Exhibit “A” attached hereto and as described in Exhibit “B” attached hereto, subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the Office (O) zoning district and in accordance with the approved site plan attached to Ordinance 2292, Exhibit “B,” except as amended herein by the approved site plan attached to Ordinance 2778, Exhibit “C”. All exhibits referenced herein or attached hereto are incorporated herein by reference.

SECTION 4. That the Property shall also comply with the following conditions for approval:

- a. The Property shall operate in accordance with the Plan of Operation (Ordinance 2778, Exhibit “D”).
- b. Approval of a Certificate of Occupancy shall be obtained for the Special Care Unit.

SECTION 5. That Ordinance 2292 is hereby amended, as provided for herein.

SECTION 6. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

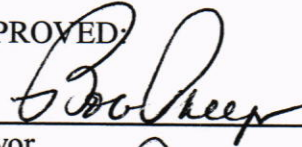
SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 8. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 9. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

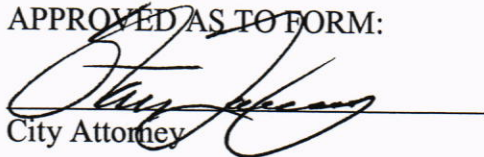
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 12 day of July, 2004.

APPROVED:

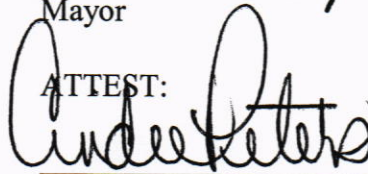


Mayor

APPROVED AS TO FORM:


City Attorney

ATTEST:



City Secretary

Exhibit "A" – Locator Map

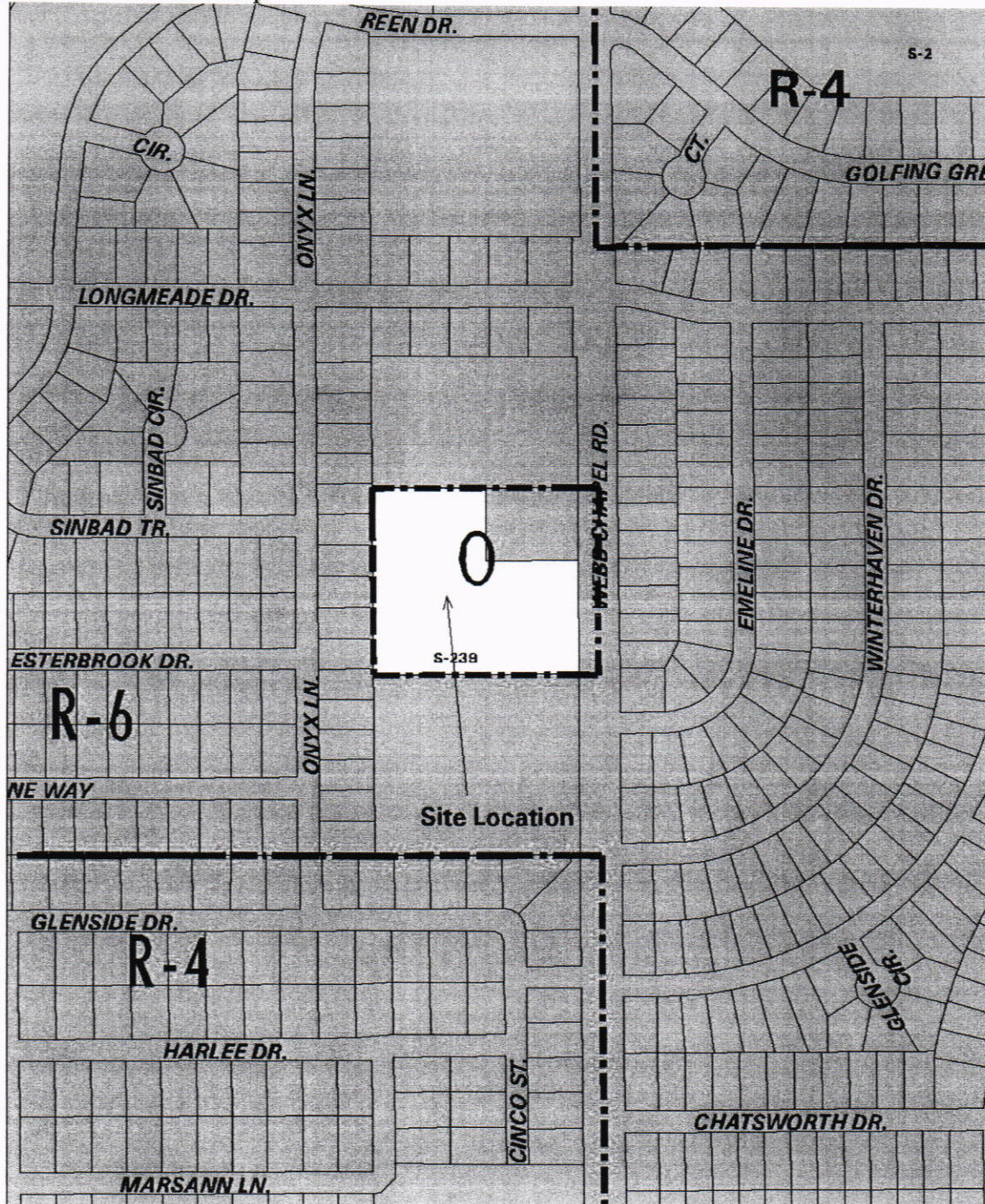


Exhibit "B" – Legal Description

**LEGAL DESCRIPTION
4.0063 ACRES**

BEGINNING a tract of land out of the R.J. WEST SURVEY, Abstract No. 1576, in the City of Farmers Branch, Dallas County, Texas, and being part of a 22 1/2 acre tract of land described in deed to Alexander D. McNabb, recorded in Volume 2533, Page 365 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod set with a red plastic cap stamped "PBS&J INC" (hereinafter called 5/8" iron rod set) in the west right-of-way line of Webb Chapel Road (100' ROW) for the northeast corner of a tract of land described in deed to Webb Chapel Church of Christ, recorded in Volume 73133, Page 1493 of the Deed Records of Dallas County, Texas;

THENCE with the north line of the said Webb Chapel Church of Christ tract, South 89°36'50" West, a distance of 461.55 feet to a 5/8" iron rod set for corner in the east line of ELEVENTH INSTALLMENT VALWOOD PARK, an addition to the City of Farmers Branch, Dallas County, Texas according to the plat thereof recorded in Volume 73133, Page 1493 of the Deed Records of Dallas County, Texas;

THENCE with the east line of said ELEVENTH INSTALLMENT VALWOOD PARK, North 00°23'00" West, a distance of 473.92 feet to a 5/8" iron rod set for corner in the east line of a tract of land described in deed to Webb Chapel Baptist Church, recorded in Volume 5749, Page 270 of the Deed Records of Dallas County, Texas;

THENCE leaving the east line of said ELEVENTH INSTALLMENT VALWOOD PARK and with the south line of the said Webb Chapel Baptist Church tract, North 89°56'00" East, a distance of 252.54 feet to a 5/8" iron rod set for corner;

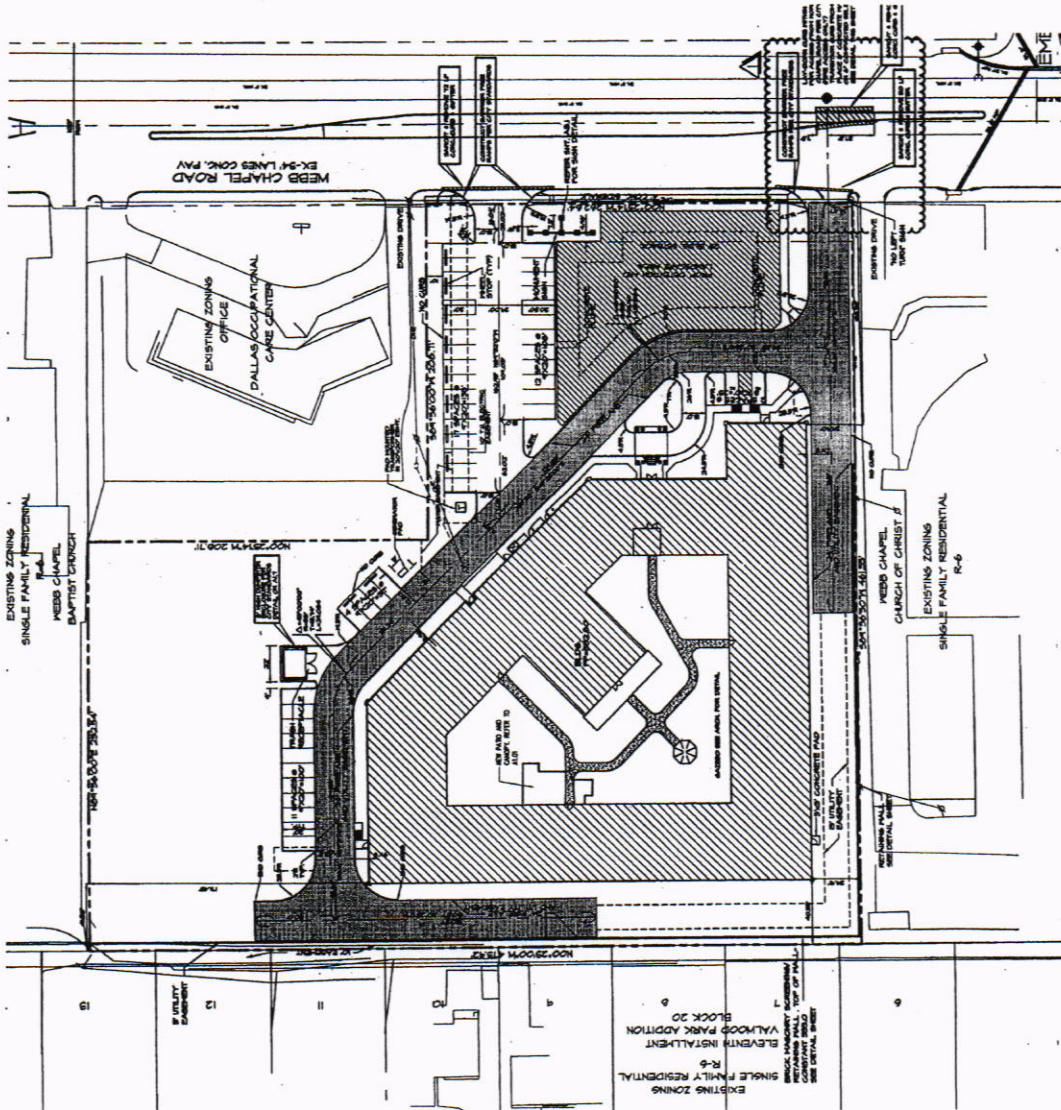
THENCE leaving the said south line of the Webb Chapel Baptist Church tract, the following courses and distances to wit:
South 00°25'14" East, a distance of 208.71 feet to a 5/8" iron rod set for corner;
North 89°56'00" East, a distance of 208.71 feet to a 5/8" iron rod set for corner in the west right-of-way line of said Webb Chapel Road;

THENCE with the west right-of-way line of said Webb Chapel Road, South 00°25'14" East, a distance of 252.64 feet to the **POINT OF BEGINNING** and containing 4.0063 acres of land.

Exhibit "C" – Site Plan

 <p>HFR Architecture Engineering Planning Interiors</p>	<p>1555 WEBB CHAPEL ROAD FARMERS BRANCH, TEXAS 75381-9010 972-247-3131 www.hfrinc.com</p>	<p>SPECIAL CARE UNIT FOR EMERITUS ASSISTED LIVING VILLAGE OAKS OF FARMERS BRANCH</p>	<p>PROJ. NO.: 200204-00 DATE: May 25, 2004</p>	<p>EXISTING SITE PLAN C</p>	<p>1.00</p>
	<p>MAT F. HILLMAN, INC. P.O. Box 1111 1555 WEBB CHAPEL ROAD FARMERS BRANCH, TEXAS 75381-9010 972-247-3131 www.hfrinc.com</p>				

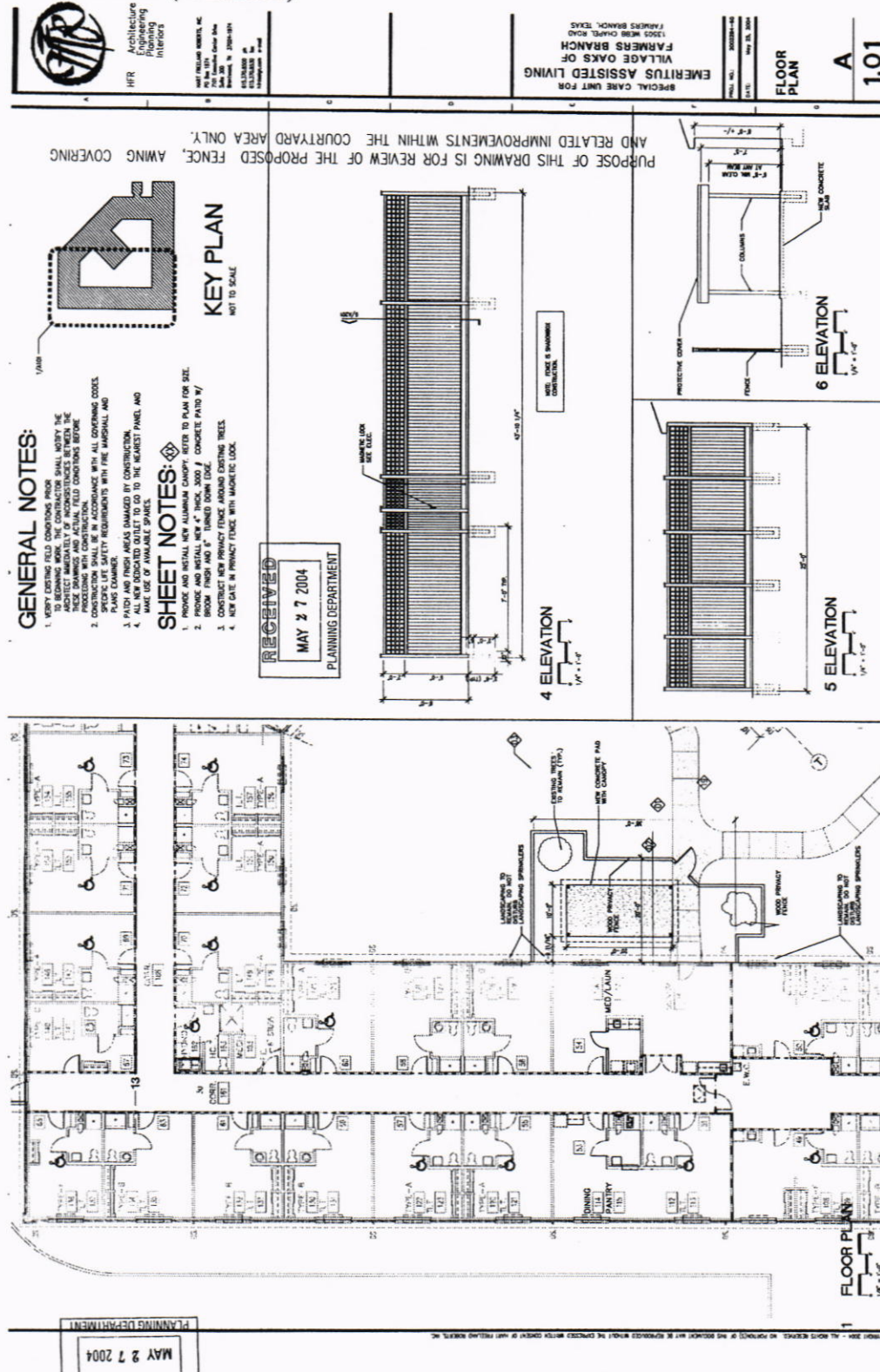
PURPOSE OF THIS DRAWING IS FOR REVIEW OF THE PROPOSED FENCE, AWING COVERING AND RELATED IMPROVEMENTS WITHIN THE COURTYARD AREA ONLY.



RECEIVED
MAY 27 2004
PLANNING DEPARTMENT

City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131
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Exhibit "C" – Site Plan (continued)



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Exhibit "D" – Plan of Operation



Planning & Zoning Commission of the City of Farmers Branch
Application for Specific Use Permit

PLAN OF OPERATION

All non-residential uses must provide the following information with the application:

Describe proposed use See attached

Indicate hours of operation of the proposed use 24 hours – See attached

Total number of employees 20 – See attached

Indicate if any storage is proposed outside the building None

Indicate if any activity is proposed outside the building See attached

Any other relevant unique information on the business or site See attached



G:\Planning and Zoning\Applications\Forms\Specific Use Permit\Plan of Operation 2/21/04

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Exhibit "D" – Plan of Operation (continued)



Describe the proposed use:

To allow for an Assisted Living facility, including a Special Care Unit designed to meet the unique needs of Assisted Living residents diagnosed with non-reversible dementia and other memory loss disorders. The maximum number of rooms to be utilized in the Special Care Unit will never exceed 15 or 30 residents. It is currently set up for 11 rooms with 22 residents.

The Assisted Living facility including the Special Care Unit will continually be licensed in accordance to State Regulations. The residents in our Special Care Units do not have skilled nursing needs, and therefore do not need to be placed in expensive institutional settings. Rather, their needs to have help with dressing, bathing, grooming, toileting can be met, according to Texas state regulations, in an assisted living environment. When residents needs reach a level where they are no longer mobile, we must help to find them another place of residence. In Assisted Living we do not take bedfast patients, they must be released to a facility that specializes in this type of care.

Assistance with "Activities of Daily Living" (ADL) is what the majority of residents in our communities receive on a daily basis. What makes our special care programs different than our assisted living program is we go a step further than just ADL assistance. People with memory loss have unique social and emotional needs. We provide more staff in our special care units so that our special care residents have the opportunity for as many one-on-one interactions with a specially trained staff member as possible. That is why Emeritus provides two distinct living environments, separated by secured doors.

Secured doors, naturally, provide a barrier for people whose memory loss exhibits itself in the form of wandering. (Wandering is a common way that a memory related disorder manifests itself.) Secured doors, however, have many more functional purposes in an Emeritus Special Care Unit. Having secured doors minimizes noise and intrusion into the unit which can be disturbing for most residents. Secured doors protect the privacy and help maintain HIPPA compliance for those diagnosed with a memory related disorder. Lastly, secured doors protect the lifestyle of our residents who don't have any memory related disorders.

In summary the proposed use of doors on the Special Care Unit would be to provide a safe, private environment for residents with a diagnosed memory loss disorder to receive assistance with Activities of Daily Living as well as social and emotional intervention and support.

Indicate hours of proposed use:

Twenty-four hours /day, seven days/ week, fifty-two weeks per year.

Total number of employees: 20. Employees, referred to as caregivers, may include Non-certified Care Attendants, Certified Nurses Aids, Certified Medications Aids and

Exhibit "D" – Plan of Operation (continued)

Licensed Vocational Nurses, as well as an Emeritus Certified Program Director. All employees meet the Texas State Assisted Living Regulations for hours of orientation and training. Further, employees on the Special Care Unit receive the Emeritus *Join Their Journey Training*.

Indicate if any storage is proposed outside of the building:

None proposed.

Indicate if any activity is proposed outside of the building:

There is a proposed 800 square foot fenced area for the residents in the interior courtyard accessed through the New Activity Room. This area also has a proposed awning to cover 20% of this newly formed Outside Activity Area as required by TDHS for Units of this type. The area is then secured for resident protection by the addition of a key pad type locking gate.

Any other relevant unique information on the business or site:

Some specific questions were posed to us including:

Are the accommodations for the Special Care Unit Residents different than the other Residents? No, the apartment sizes are the same, as are the accommodations within the individual units – from carpeting, lighting and air conditioning to the bathroom accommodations the units are the same. Additionally the Special Care Unit Residents have private dining and activity accommodations, as do the Assisted Living Residents.

Who are the Residents? Residents in the Special Care Program fit the same profile as our Assisted Living Residents with out a memory loss diagnosis. They are required to fall into the same needs category as any other applicant for assisted living. The typical assisted living resident is an 82 year-old female who takes eight or more medications and needs help with two or more Activities of Daily Living. This is an accurate profile of a resident at Village Oaks at Farmers Branch, whether or not they participate in the Special Care Program.

